

Obtaining Prevailing Wage Rate Approvals

As stated in the terms and conditions of your American Recovery and Reinvestment Act of 2009 (ARRA) award agreement (agreement), all ARRA funding Recipients (Recipients) entering into subcontracts or providing subsidies for retrofit services¹ to complete the objectives of their agreements must submit each such subcontract and applicable prevailing wage determination(s) to their assigned Commission Agreement Manager (CAM). The Energy Commission will review the information and, where prevailing wage rates apply, approve the Recipient to begin work under such subcontracts at specified labor and benefit rates. No work under such subcontracts can begin until the Energy Commission provides this written approval. In order to expedite the Energy Commission's review and approval, Recipients should submit the following information in electronic format to your CAM:

- A summary of the prevailing wage information necessary for the Energy Commission's review and approval. A summary template containing the required minimum information can be found at www.energy.ca.gov/recovery.
- Copies of all lower tier subcontracts for services to complete the objectives of the agreement (subcontracts).
- Copies of any terms and conditions or other documents that create and implement a rebate or subsidy for multi-family or commercial retrofits.
- The applicable federal wage determination issued by the United States Department of Labor (DOL) for the county in which the work is to be performed, which can be located at <http://www.wdol.gov/Index.aspx>.
- The applicable California wage determination issued by the California Department of Industrial Relations (DIR) for the county in which the work is to be performed, which can be located at <http://www.dir.ca.gov/dlsr/DPreWageDetermination.htm>.
- List of applicable job classifications—as issued by DOL and/or DIR—and corresponding rate(s) to be used under each subcontract. Please note that you can either provide separate labor and benefit rates for each listed classification or provide a loaded hourly rate. If you provide a loaded hourly rate, then you must indicate that fringe benefits are included in the stated amount.
- A brief description of your proposed project activities (i.e., the project description that you are providing to subcontractors commonly referred to as the Scope of Work) that indicates the county in which the work is to be performed.

¹ Retrofit services do not include subcontracts or subsidies for energy audits.

- A brief description of the job duties to be performed by each individual employed under each subcontract, which includes each individual's job title and journeyman status.
- If you are using apprentices or trainees, you must provide documentation that each apprentice or trainee is registered in an approved apprenticeship² or training program.³ In addition, you must include the percentage (%) of the basic hourly rate required or fringe benefits specified in the approved apprenticeship or training program in accordance with the individual's level of progression, and the allowable ratio of apprentices/trainees to journeymen specified in the approved program.
- Copies of any conformance requests that have already been submitted to DOL for proposed job classifications to be used on your project. (Please note that the proper procedure for making a conformance request is for the Recipient or their subcontractor to submit a conformance request to the Energy Commission, which will, in turn, forward the request to DOL.)

If you have any questions regarding the process outlined above, please contact the Energy Commission's DBA Contracting Officer, Michelle Tessier, at (916) 653-9662.

² 29 C.F.R. § 5.2(n)(1) ("Apprentice means (i) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Bureau, or (ii) a person in the first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.").

³ 29 C.F.R. § 5.2(n)(2) ("Trainee means a person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the U.S. Department of Labor, Employment and Training Administration, as meeting its standards for on-the-job training programs and which has been so certified by that Administration.").